



DATE: July 17, 2019

AGENDA ITEM #2

TO: Design Review Commission

FROM: Calandra Niday, Assistant Planner

SUBJECT: V19-0002 – 257 Merritt Road

RECOMMENDATION:

Approve variance application V19-0002 subject to the listed findings and conditions

PROJECT DESCRIPTION

This is a variance application to allow a new trellis over the front of the garage to encroach into the front yard setback by more than four feet. The existing garage has a nonconforming front yard setback of 21 feet where 25 feet is required. The trellis would project into the front yard setback by an additional two feet, resulting in a setback of 19 feet where a minimum of 21 feet is allowed for projecting eaves, overhangs and similar elements.

BACKGROUND

Zoning Conformance and Parcel History

The subject parcel is designated Single-Family Medium Lot (SF-4) in the General Plan and has a Zoning designation of R1-10 (Single-Family). A Single-Story Overlay Zone (R1-S) was adopted in June 2001 for properties located in the Angela-Galli-Merritt neighborhood—which includes 257 Merritt Road. The exact history of the subject property is unclear; however, it appears that the structure, which was located on different property, was a former carriage house that was converted into a two-story farmhouse in the 1930s. Around 1945, the house was moved to the current property Merritt Road in its current location with a nonconforming front yard setback. The structure is more than 50 years old, but does not have the historic integrity or significance to be designated as a Historic Resource and is not listed the City's Historical Resources Inventory.

According to the Zoning Code for the R1-10 district, the required front yard setback is 25 feet from the property line (§14.06.080). In the R1-S (Single-Story) Overlay District, the maximum height of a structure is limited to 20 feet and one story. The existing house is considered nonconforming since it has a front yard setback of 21 feet and a height of approximately 33 feet with three stories. The Zoning Code allows for eaves, overhangs, and similar architectural features, such as a trellis, to extend into any required front yard not more than four feet (§14.66.210). Since the existing garage encroaches into the front yard setback by four feet, any further projections into the setback are not permitted.

In January of this year, a design review application for a one-story addition was approved administratively with the condition to remove the trellis above the garage due to the encroachment in the front yard setback of more than four feet. The conditions of approval for the one-story addition can be found as Attachment A. Since the proposed one-story addition preserved over 50 percent of

the existing structure, the nonconforming setbacks and height were allowed to be maintained. The application otherwise met the required design review findings and was found to be consistent with the Residential Design Guidelines.

DISCUSSION

Variance

The applicant is seeking a variance to allow a new trellis over the front of the garage to encroach into the front yard setback by more than four feet. The proposed trellis is approximately two feet in depth and the existing garage encroaches in the front yard setback approximately four feet— resulting in a six-foot encroachment into the front yard setback. The applicant believes the horizontal trellis element adds architectural integrity to the overall project and breaks up the bulk and mass of the tall vertical garage front. Additional information about the variance request is included in the applicant's justification letter (Attachment B).

In order to approve a variance, the Commission must make three positive findings pursuant to Section 14.76.070 of the Zoning Code:

1. The granting of the variance will be consistent with the objectives of the City's zoning plan;
2. That the granting of the variance will not be detrimental to the health, safety, or welfare of persons living or working in the vicinity or injurious to property or improvements in the vicinity; and
3. Variances from the provisions of this chapter shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.

The granting of the variance is consistent with the objectives of the zoning plan because the new trellis would not negatively affect the safety, peace, comfort, convenience, prosperity, or general welfare of the property owner or adjacent properties. The addition of the new design element would allow for a harmonious relationship among the adjacent residential properties which have existed in this location since 1945. The addition of the trellis element would result in a more cohesive design in a neighborhood that is primarily single-story, while continuing to maintain an acceptable setback relationship between adjacent properties.

The granting of the variance will not be detrimental to the health, safety, or welfare of persons living or working in the vicinity or injurious to any properties in the vicinity since the nonconforming structure has existed in this location since 1945 and there are existing roof eave overhangs that encroach approximately 12-18 inches into the front yard setback beyond the front wall of the garage. The trellis has been designed to be non-intrusive and to have an appropriate relationship with the surrounding properties and the persons living in those surrounding areas.

The nonconforming placement and location of the existing structure is the special circumstance that results in a restricted front yard setback. Strict application of the R1-10 District setback requirements would deprive this property of the ability to add a horizontal design element over the garage as compared to other homes in the general vicinity and under the identical zoning classification. The addition of the horizontal design element is necessary and appropriate to break

up the vertical bulk and mass of the three-story height front elevation. A visual representation of the front elevation can be found in Attachment C.

Environmental Review

This project is categorically exempt from environmental review under Section 15303 of the California Environmental Quality Act because it involves improvements to an existing single-family house.

Public Notification

A public hearing notice was published in *Los Altos Town Crier*, posted on the property and mailed to all properties within 500 feet of the subject property. The mailed notification included 54 nearby properties. The Notification Map is included in Attachment D.

Cc: Josh Moore, Moore Architects, Applicant and Architect
Ann Aula and Geoff Davis, Property Owners

Attachments:

- A. Administrative Design Review Conditions of Approval
- B. Justification Letter and Application
- C. Front Elevation and Rendering
- D. Area, Vicinity and Public Notification Maps

FINDINGS

V19-0002 – 257 Merritt Road

Regarding the variance to allow a new trellis over the front of the garage to encroach into the front yard setback by more than four feet, the Design Review Commission finds the following in accordance with Section 14.76.070 of the Municipal Code:

1. The granting of the variance will be consistent with the objectives of the City's zoning plan because; the addition of a new trellis to a single-family home would not negatively affect the safety, peace, comfort, convenience, prosperity, or general welfare of the property owner or adjacent properties. The addition of the new design element would allow for a harmonious relationship among the adjacent residential properties which have existed in this location since 1945. The addition of the new trellis would result in a more cohesive design in a neighborhood that is primarily single-story, while continuing to maintain an acceptable setback relationship between adjacent properties.
2. The granting of the variance will not be detrimental to the health, safety, or welfare of persons living or working in the vicinity or injurious to property or improvements in the vicinity because; the nonconforming structure has existed in this location since 1945 and there are existing roof eave overhangs that encroach approximately 12-18 inches into the front yard setback beyond the front wall of the garage. The trellis has been designed to be non-intrusive and to have an appropriate relationship with the surrounding properties and the persons living in those surrounding areas.
3. Variances from the provisions of this chapter shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications. The nonconforming placement and location of the existing structure is the special circumstance that results in a restricted front yard setback. Strict application of the R1-10 District setback requirements would deprive this property of the ability to add a horizontal design element over the garage as compared to other homes in the general vicinity and under the identical zoning classification.

CONDITIONS

V19-0002 – 257 Merritt Road

GENERAL

1. **Approved Plans**

This approval is based on the plans received on July 2, 2019, and the written application materials provided by the applicant, except as may be modified by these conditions.

2. **Indemnity and Hold Harmless**

The applicant/owner agrees to indemnify, defend, protect, and hold the City harmless from all costs and expenses, including attorney's fees, incurred by the City or held to be the liability of the City in connection with the City's defense of its actions in any proceedings brought in any State or Federal Court, challenging any of the City's action with respect to the applicant's project.



**Community Development Department
One North San Antonio Road
Los Altos, California 94022**

January 18, 2019

Moore Architects, PC
1490 Norman Drive
Los Altos, CA 94022

Subject: 257 MERRIT ROAD (Permit No. 1108555)

Dear Mr. Moore:

The Planning Division has reviewed your design review application for a one-story addition for the single-family house at the above referenced address. Your application has been approved subject to the following conditions. The approval is valid for two years from the date of this letter.

GENERAL

1. Approved Plans

The approval is based on the plans and materials received on November 14, 2018, except as may be modified by these conditions. The scope of work is limited to that shown on the plans and may not exceed rebuilding 50 percent of the existing structure.

2. Plan Revisions

Per Section 14.66.210 - Yard requirements—Exceptions of the Zoning Code, “canopies, chimneys, cornices, eaves, overhangs, and similar architectural features may extend into any required side yard not more than four feet and may extend into any required front or rear yard not more than four feet.”

Since the existing garage projects into the front yard setback more than four feet, adding a trellis would not comply with the zoning code. Please remove the trellis from the scope and update the plans accordingly.

3. Encroachment Permit

An encroachment permit shall be obtained from the Engineering Division prior to doing any work within the public right-of-way including the street shoulder. All work within the public street right-of-way shall be in compliance with the City’s Shoulder Paving Policy.

4. New Fireplaces

Only gas fireplaces, pellet fueled wood heaters or EPA certified wood-burning appliances may be installed in all new construction pursuant to Chapter 12.64 of the Municipal Code.

5. Fire Sprinklers

Fire sprinklers shall be required pursuant to Section 12.10 of the Municipal Code.

6. **Underground Utilities**

Any new utility service drops shall be located underground from the nearest convenient existing pole pursuant to Chapter 12.68 of the Municipal Code.

7. **Indemnity and Hold Harmless**

The applicant/owner agrees to indemnify, defend, protect, and hold the City harmless from all costs and expenses, including attorney's fees, incurred by the City or held to be the liability of the City in connection with the City's defense of its actions in any proceedings brought in any State or Federal Court, challenging any of the City's action with respect to the applicant's project.

PRIOR TO BUILDING PERMIT SUBMITTAL

8. **Conditions of Approval**

Incorporate the conditions of approval into the title page of the plans.

9. **Green Building Standards**

Provide verification that the house will comply with the California Green Building Standards pursuant to Section 12.26 of the Municipal Code and provide a signature from the project's Qualified Green Building Professional Designer/Architect and property owner.

10. **Underground Utility Location**

Show the location of underground utilities pursuant to Section 12.68 of the Municipal Code. Underground utility trenches shall avoid the drip-lines of all protected trees unless approved by the project arborist and the Planning Division.

11. **Air Conditioner Sound Rating**

Show the location of any new air conditioning units on the site plan and the manufacturer's specifications showing the sound rating for each unit.

12. **Storm Water Management**

Show how the project is in compliance with the New Development and Construction Best Management Practices and Urban Runoff Pollution Prevention program, as adopted by the City for the purposes of preventing storm water pollution (i.e. downspouts directed to landscaped areas, minimize directly connected impervious areas, etc.).

PRIOR TO FINAL INSPECTION

13. **Landscaping Installation**

All front yard, interior sides, and rear yard landscaping, street trees and privacy screening trees shall be maintained and/or installed as shown on the approved plans or as required by the Planning Division.

14. **Green Building Verification**

Submit verification that the house was built in compliance with the City's Green Building Ordinance (Section 12.26 of the Municipal Code).

The building plan sets will need to be reviewed by the Planning Division prior to submitting the building permit application to verify that the conditions of approval have been incorporated into the building plan sets and the plans are consistent with the design review approval (Zoning Compliance Review). Please submit four sets of plans at the Planning Counter at City Hall. The review of the building permit plan set may take up to five business days. If you have any questions regarding this approval, you can reach me at (650) 947-2640 or clewis@losaltosca.gov.

257 Merrit Road
January 18, 2019
Page 3

Sincerely,

A handwritten signature in cursive script, appearing to read "Calandra Lewis".

Calandra Lewis
Assistant Planner

Attachments:

Santa Clara County Fire Department Letter

Moore Architects, PC
1490 Norman Drive
Sunnyvale, CA 94087
Tel: 510-812-5688
www.mooredb.com

VARIANCE JUSTIFICATION LETTER

TO: City of Los Altos, Planning Division

RE: 257 Merritt

DATE: 5/16/19

PURPOSE OF PROPOSAL

To demonstrate:

- The addition of this very small wall mounted trellis elements will make this 2 story house more compatible with the fabric of this one story overlay neighborhood
- This mostly horizontal element will break up/ soften the imposing 2 story blank faced wall house frontage

SCOPE OF WORK

- Install of (3) corbels—approx 24" x 24" and 2x6 with small 3x3 trellis laticas

ARCHITECTURAL STYLE, MATERIALS, COLORS AND CONSTRUCTION METHODS

- Craftsman/ Mission style, made with a stained redwood

SPECIAL CIRCUMSTANCES

- This street is primarily one story scaled homes, this house is 2 story with a very steep gable ended roof which makes it very imposing.



Joshua Moore, Architect C29120



CITY OF LOS ALTOS
GENERAL APPLICATION

Type of Review Requested: (Check all boxes that apply)

Permit # V19-0002

<input type="checkbox"/>	One-Story Design Review	<input type="checkbox"/>	Commercial/Multi-Family	<input type="checkbox"/>	Environmental Review
<input type="checkbox"/>	Two-Story Design Review	<input type="checkbox"/>	Sign Permit	<input type="checkbox"/>	Rezoning
<input checked="" type="checkbox"/>	Variance	<input type="checkbox"/>	Use Permit	<input type="checkbox"/>	R1-S Overlay
<input type="checkbox"/>	Lot Line Adjustment	<input type="checkbox"/>	Tenant Improvement	<input type="checkbox"/>	General Plan/Code Amendment
<input type="checkbox"/>	Tentative Map/Division of Land	<input type="checkbox"/>	Sidewalk Display Permit	<input type="checkbox"/>	Appeal
<input type="checkbox"/>	Historical Review	<input type="checkbox"/>	Preliminary Project Review	<input type="checkbox"/>	Other:

Project Address/Location: 257 MERRITT RD.

Project Proposal/Use: RES. Current Use of Property: RES.

Assessor Parcel Number(s): 170-24-051 Site Area: 12327

New Sq. Ft.: 948 Altered/Rebuilt Sq. Ft.: Existing Sq. Ft. to Remain: 2103

Total Existing Sq. Ft.: 2103 Total Proposed Sq. Ft. (including basement): 3051

Is the site fully accessible for City Staff inspection? YES

Applicant's Name: JOSH MOORE / MOORE ARCHITECTS

Telephone No.: 510.812.5688 Email Address: josh@mooredb.com

Mailing Address: 1490 NORMAN DR.

City/State/Zip Code: SUNNYVALE CA 94087

Property Owner's Name: ANNE AULA GEOFF DAVIS

Telephone No.: 415.823.2542 Email Address: anne.aula@gmail

Mailing Address: 257 MERRITT

City/State/Zip Code: LOS ALTOS CA 94022

Architect/Designer's Name: JOSH MOORE

Telephone No.: 510 812 5688 Email Address: josh@mooredb.com

Mailing Address: 1490 NORMAN DR.

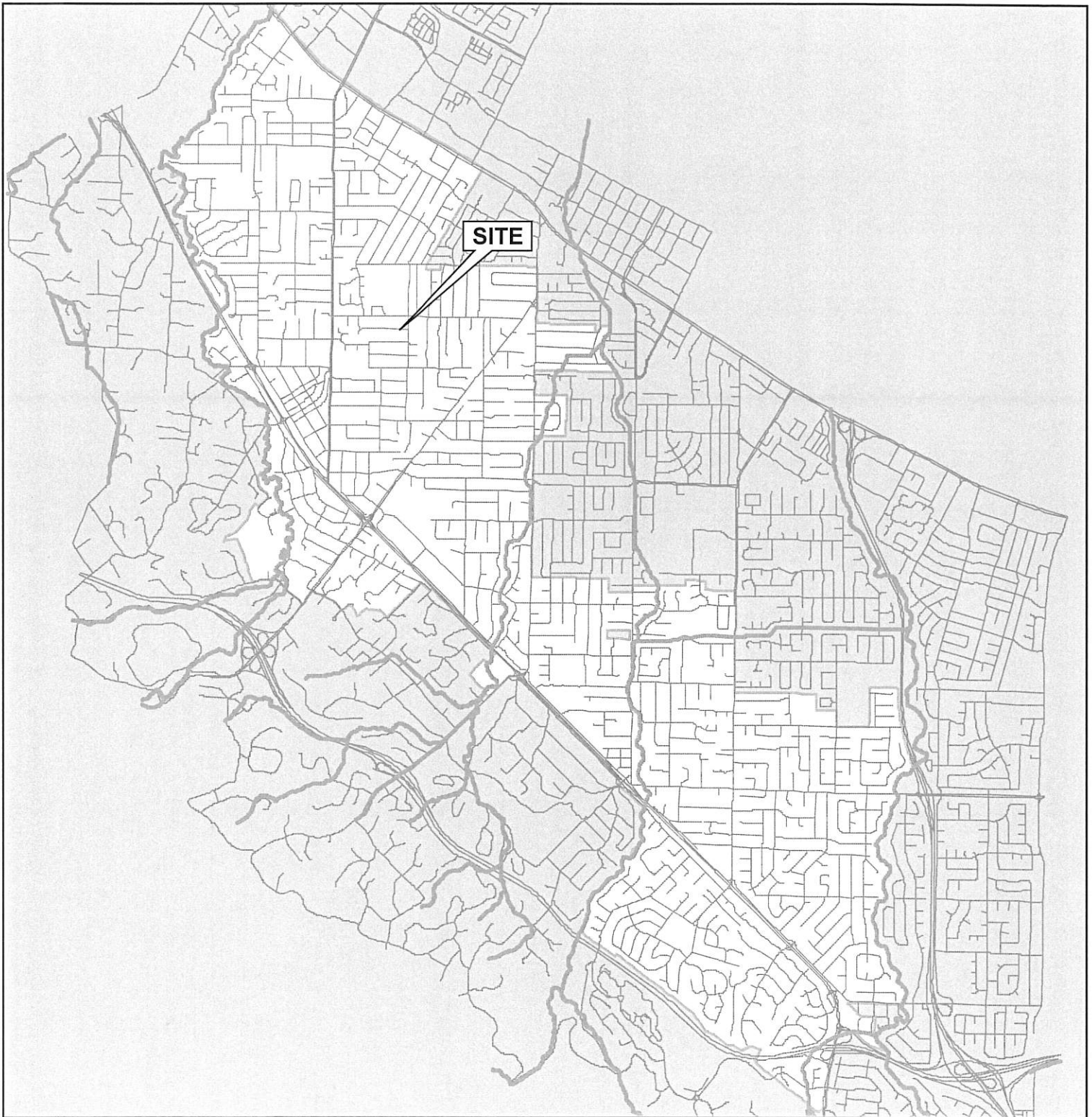
City/State/Zip Code: SUNNYVALE CA 94087

* If your project includes complete or partial demolition of an existing residence or commercial building, a demolition permit must be issued and finalized prior to obtaining your building permit. Please contact the Building Division for a demolition package. *

(continued on back)

V19-0002

AREA MAP



CITY OF LOS ALTOS

APPLICATION: V19-0002
APPLICANT: Josh Moore/ Moore Architects
SITE ADDRESS: 257 Merritt Road



Not to Scale

VICINITY MAP



CITY OF LOS ALTOS

APPLICATION: V19-0002
APPLICANT: Josh Moore/ Moore Architects
SITE ADDRESS: 257 Merritt Road

257 Merritt Road 500-foot Notification Map



Calandra Niday

From: Tom Chay <tomchay@chayharris.com>
Sent: Wednesday, July 3, 2019 2:44 PM
To: Calandra Niday
Subject: 257 Merritt Rd Los Altos

Hello

My name is tom Chay. I live at 199 Angela Dr Los Altos. I have lived here for 35 years, and in Los Altos since 1955. You probably think that makes me old, and most people would say that you are correct. As I am sure you know, 257 Merritt Rd. Is the Ciotti house. It has never been a very attractive house. Even Gary Ciotti thought so when I knew him in the 60s. Though unattractive, it has sat there minding its own business for many years. It briefly came into prominence during our battle to install the one-story overlay law, and have our neighborhood the first one that the new ordinance was applied to. The real estate lobby thought we should not have a one story overlay when the Ciotti house was already sitting there at two stories. It was a weak argument and nobody listen to it much. I acted as lieutenant to the legendary Kathy Puttman and we bludgeoned our neighborhood overlay through.

The one story overlay law makes 257 Merritt sort of a variance in itself. It already reaches to high toward the sky, and pokes out too far toward the street, and adding an additional 4 feet would make it even more out of balance. I see no problem with allowing the house to remain two stories with the current nonconforming setback, but I certainly don't think that you should allow this additional variance.

Thank you for your consideration

Tom Chay